

19385 312

ORIGINAL

**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
WASTE MANAGEMENT ADMINISTRATION  
VOLUNTARY CLEANUP PROGRAM**

**CERTIFICATE OF COMPLETION**

(Revised)

**DATE OF ISSUE:** March 30, 2004

**Description of Property**

Name: Former Hyattsville Manufactured Gas Plant  
Addresses: 4609 Tanglewood Drive, Edmonston,  
Maryland 20781; 4900 Windom Road,  
4902 Windom Road, 4912 Windom  
Road, 49<sup>th</sup> Street and Windom Road  
(Parcel 61), Windom Road (LTS 2,3,4  
Linwood), Windom Road (PT LTS 2,3,  
4 Linwood), Bladensburg, Maryland  
20710 (as more particularly described  
on Exhibit A attached hereto and  
incorporated herein by reference)

**Voluntary Cleanup Program Participant**

Name: Washington Gas Company  
Contact: Mary Jean Brady, Area Head  
Site Management  
Status: Responsible Person

IMP FD SURE \$	20.00
RECORDING FEE	20.00
TOTAL	40.00
Reg# PG03	Rcpt # 68374
REP LJJ	Blk # 8769
Apr 28, 2004	11:29 am

*This revised Certificate of Completion, hereinafter referred to as "Certificate," is issued pursuant to Maryland law authorizing a Voluntary Cleanup Program for properties contaminated by controlled hazardous substances (Section 7-501 et seq. of the Environment Article, Annotated Code of Maryland).*

**THE MARYLAND DEPARTMENT OF THE ENVIRONMENT CERTIFIES THAT:**

The requirements of the Voluntary Cleanup Program revised response action plan, approved by the Maryland Department of the Environment hereinafter referred to as "the Department," for the 11.76-acre former Hyattsville Manufactured Gas Plant property, located at the above addresses in Prince George's County, Maryland, hereinafter referred to as "the property," have been completed.

Washington Gas Company has demonstrated that implementation of the revised response action plan at the property has achieved the applicable cleanup criteria.

The Department may not bring an enforcement action against Washington Gas Company at the property.

Washington Gas Company is released from further liability for the environmental cleanup of the contamination identified in the Voluntary Cleanup Program environmental assessment of the

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CLERK OF THE  
CIRCUIT COURT

property. Pursuant to Section 7-506 of the Environment Article, Annotated Code of Maryland, the Voluntary Cleanup Program environmental assessment of the property is intended to adequately investigate all areas of contamination and potential sources of contamination of the property.

Washington Gas Company is not subject to a contribution action by a responsible person for the contamination identified in the Voluntary Cleanup Program environmental assessments of the property.

This Certificate does not:

1. Prevent the Department from taking any actions against a responsible person to prevent or abate an imminent or substantial endangerment to public health or the environment at the property;
2. Affect the authority of the Department to take any action against a responsible person concerning previously undiscovered contamination at the property;
3. Remain in effect if this Certificate was obtained through fraud or material misrepresentation;
4. Affect the authority of the Department to take any action against any person concerning new contamination or exacerbation of contamination at the property;
5. Prevent the Department from taking action against any person who is responsible for long term groundwater well monitoring and maintenance requirements in the response action plan; or
6. Prevent the Department from requiring any person to take further action if the property fails to meet the applicable cleanup criteria set forth in the response action plan approved by the Department.

#### **USE OF THE PROPERTY**

If this Certificate is conditioned on the use of the property for certain purposes, this Certificate is void if it is not recorded on the deed for the property within 30 days following the date of issue.

Check one:

- ☐ This Certificate is not conditioned on the use of the property for certain purposes.
- ☒ This Certificate is conditioned on the use of the property for commercial or industrial purposes and includes physical maintenance requirements.

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**“Industrial purposes”** means use of property in a manner that is primarily designed or intended for use by workers over the age of 18 and other expected users. Industrial purposes allow access to the property at a frequency and duration consistent with a typical business day. Industrial purposes includes, but is not limited to, use of property for assembly facilities, blast furnaces, chemical and other material plants, railroad switching yards, manufacturing facilities, industrial maritime facilities including, but not limited to, non-recreational boat repair, freight and passenger ship terminals, metal working shops, oil refineries, sand and gravel processing facilities, and warehousing facilities and includes accessory facilities inherently necessary to such uses including office space and laboratories. Industrial purposes do not include commercial purposes.

**“Commercial purposes”** means use of property in a manner that is designed or intended for use by the general public consistent with typical use by a worker and other expected users including a customer, patron or visitor. Commercial purposes allow access to the property and duration consistent with a typical business day. Commercial purposes includes, but is not limited to, use of the property for automobile service and gasoline stations, hotels, medical or dental offices, maritime uses open to the public, motels, office space, refuse yards, religious institutions, restaurants, retail business and shopping facilities. Commercial purposes do not include residential purposes.

Commercial land uses allow for mixed-use (i.e. commercial/residential) development provided that the first floor is utilized solely for non-residential purposes and the upper floors are utilized for residential purposes. Commercial purposes do not include limited residential or residential purposes on the first floor.

**“Limited Residential purposes”** means unrestricted use of property, except use of groundwater, which allows exposure and access by all populations including infant, children, elderly and infirm populations. Residential purposes includes, but is not limited to, education facilities, farms and other agricultural facilities, health care and recreation including assisted living facilities, day care facilities, hospital and other health care facilities, multi-unit residential buildings, parks, playgrounds and other recreational facilities and areas, and single and multi-family dwellings but excludes use of the groundwater.

**“Residential purposes”** means unrestricted use of property that allows exposure and access by all populations including infant, children, elderly and infirm populations. Residential purposes includes, but is not limited to, education facilities, farms and other agricultural facilities, health care and recreation including assisted living facilities, day care facilities, hospital and other health care facilities, multi-unit residential buildings, parks, playgrounds and other recreational facilities and areas, and single and multi-family dwellings.

### **PHYSICAL MAINTENANCE REQUIREMENTS**

In addition to use of the property for commercial or industrial purposes, compliance shall be maintained with the following physical maintenance requirements:

#### **Groundwater**

There shall be no use of the groundwater beneath the property for any purpose.

#### **Soil Excavation and Disposal**

The property owner shall submit written notification, to the attention of the Division Chief of the Voluntary Cleanup Program, a minimum of 60 days prior to the construction of any building, disturbing any existing paved areas, and/or performing any subsurface excavations greater than two feet in depth in the area of the property designated as the "area of concern" in Exhibit B. The construction of any sub-grade rooms that will be regularly occupied by humans is prohibited in the "area of concern" designated in Exhibit B. When conducting intrusive soil activities in the designated "area of concern," compliance shall be maintained with a site-specific health and safety plan.

All excavated soil on the property shall be analyzed before disposal and the analytical results shall be the basis for appropriate disposition of the material in accordance with applicable local, State, and federal laws and regulations. No excavated material shall be disposed in areas intended for residential use.

#### **Long-Term Groundwater Monitoring**

The property owner shall maintain compliance with the long-term groundwater monitoring, gauging and reporting in accordance with the provisions of Sections 7.3 and 7.4 of the January 2004 revised final response action plan approved by the Department on February 6, 2004. Contingencies for continued well gauging and sampling shall be implemented as needed in accordance with the provisions of Sections 6.1 and 6.2 of the approved revised final response action plan.

### **TRANSFER OF OWNERSHIP**

If ownership of the property or any portion thereof is transferred, the property owner shall notify the Department at least five (5) business days prior to the transfer. In addition, any successor in interest

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must submit a written certification to the attention of the Division Chief of the Voluntary Cleanup Program that the successor in interest has a copy of this Certificate of Completion including the physical maintenance requirements for the property.

All notifications to the Department required herein shall be in writing and addressed to the attention of the Division Chief, Voluntary Cleanup Program, Waste Management Administration, Maryland Department of the Environment, currently located at 2500 Broening Highway, Baltimore, Maryland 21224.

### **TRANSFERABILITY**

This Certificate may be transferred to any person whose actions did not cause or contribute to the contamination at the property. To validate a transfer of this Certificate, the transferee must complete a "Certificate of Completion Transfer Affidavit" available from the Department.

This Certificate of Completion does not prevent the Department from taking action against any person who uses the property for any use other than the use of the property as required by this Certificate of Completion.

If an owner of the property wants to change the use of the property to a new use and that new use is consistent with the appropriate planning and zoning authority of the appropriate city or municipality, the owner shall be responsible for the cost of cleaning up the property to the appropriate standard as determined by the Department.

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**ANY OTHER USE OF THE PROPERTY OR FAILURE TO MAINTAIN THE PHYSICAL MAINTENANCE REQUIREMENTS SPECIFIED HEREIN MAY RESULT IN THIS CERTIFICATE BEING VOIDED FOR THE CURRENT HOLDER OF THE CERTIFICATE AND FOR ANY OTHER PERSON WITH OWNERSHIP OR CONTROL OF THIS PROPERTY. THIS PROVISION SHALL NOT APPLY TO A PRIOR HOLDER OF THE CERTIFICATE WHO HAS TRANSFERRED THE CERTIFICATE AND RETAINS NO INTEREST IN THE PROPERTY.**

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Jonas A. Jacobson, Director  
Waste Management Administration

3/30/04

Date

\*\*\*\*\*

STATE OF MARYLAND, City OF Baltimore, TO WIT:

I HEREBY CERTIFY, that on this 30<sup>th</sup> day of March, 2004 before me, the undersigned Notary Public of said State, personally appeared Jonas A. Jacobson, who acknowledged himself to be the Director, Waste Management Administration, Maryland Department of the Environment, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained as the duly authorized Director of said Administration by signing his name as Director of said Administration.

WITNESS my hand and Notarial Seal.

  
Notary Public

My Commission Expires: May 1, 2007

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EXHIBIT A

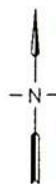
FORMER HYATTSVILLE MANUFACTURED GAS PLANT SITE

Legal Description of Property

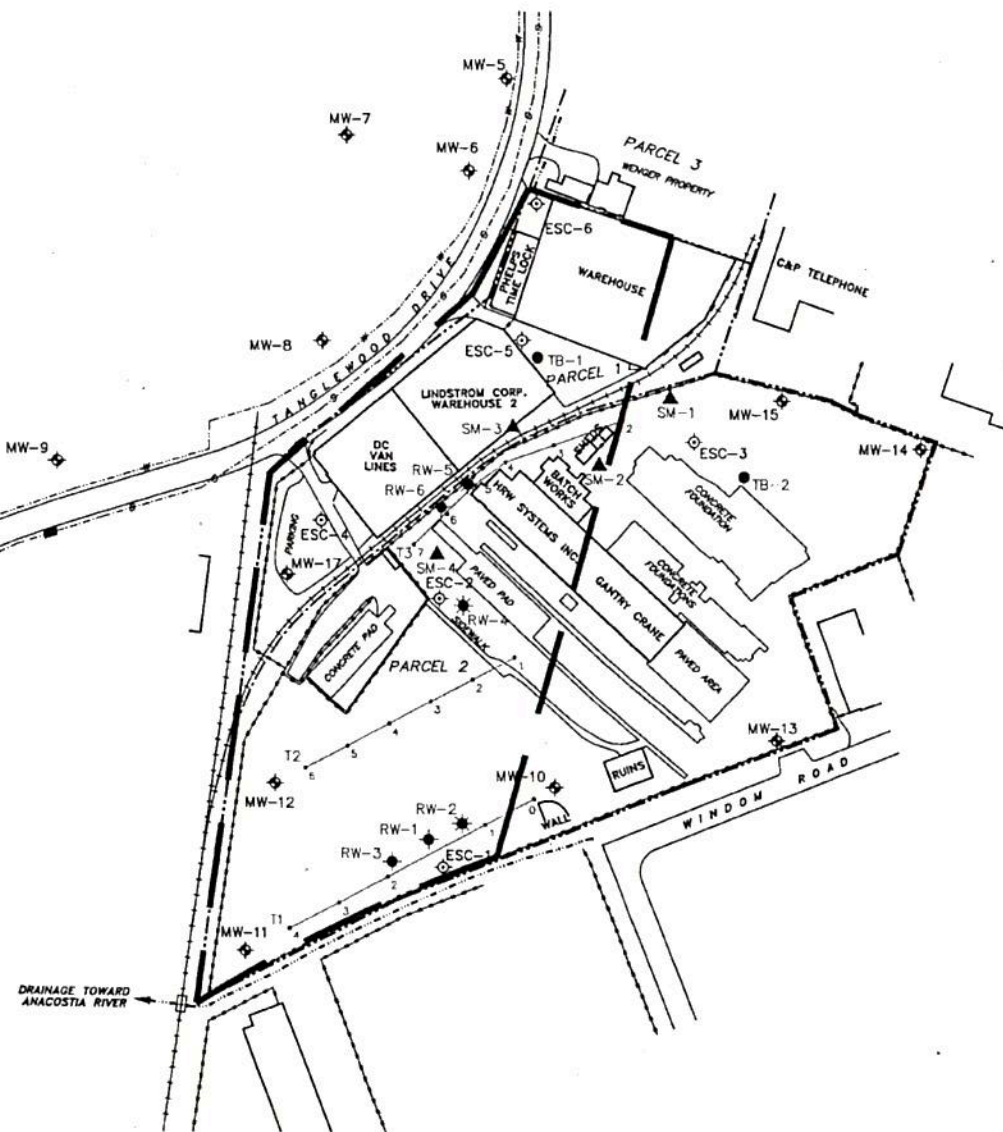
Address	Parcel # or Description	Map	Account Number	Liber	Folio	Acreage
4609 Tanglewood Drive Edmonston, MD 20781	Parcel 33	50	1819739	9694	605	3.1382
4900 Windom Road Bladensburg, MD 20710	Linwood – Resub LT 5	50	1830900	8861	067	3,956 sq.ft. 0.0908 acre
4902 Windom Road Bladensburg, MD 20710	BLK 10 LT 1 BLK 11 & PT 49 <sup>th</sup> St. Linwood- Resub LT 5	50	1830918	8861	067	3,431 sq.ft. 0.0788 acre
4912 Windom Road Bladensburg, MD 20710	Parcel N	50	1805290	8861	067	4.0180
49 <sup>th</sup> St. and Windom Rd. Bladensburg, MD 20710	Parcel 61	50	1830876	8861	067	3.9804
Windom Road Bladensburg, MD 20710	LTS 2,3,4 Linwood	50	1830884	8861	67	13,076 sq.ft. 0.3 acres
Windom Road Bladensburg, MD 20710	Pt Lts 2.3.4	50	1830892	8861	67	6,548 sq.ft. 0.15 acre
Total						11.76 acres



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DRAINAGE TOWARD ANACOSTIA RIVER



LEGEND:

- SURFACE DRAINAGE
- PROPERTY BOUNDARY
- FENCE
- RAILROAD TRACKS
- WATER LINE, APPROXIMATE LOCATION
- SEWER LINE, APPROXIMATE LOCATION

T1 --- GEOPROBE TRANSECT / STATIONS  
T1, T2, T3 FOLLOWED BY STATION NUMBER

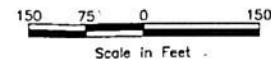
- ◆ GERAGHTY & MILLER MONITOR WELL  
MW-5 THROUGH MW-17, (MW-16 NOT INSTALLED)
- ◆ ESC MONITOR WELL  
ESC-1 THROUGH ESC-6
- ◆ ENSR EXPLORATORY RECOVERY WELL  
RW-1, RW-3, & RW-6
- ENSR CLAY BORING  
TB-1 AND TB-2
- ★ ENSR CLAY BORING / EXPLORATORY RECOVERY WELL  
RW-2, RW-4, & RW-5
- ▲ ENSR MERCURY SOIL SAMPLE LOCATION

NOTES:

1. SOURCES: THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION / GERAGHTY & MILLER, INC. (1996), BASED ON IT CORPORATIONS MAP ACAD FILE: 797648011, PROJECT 797648, DATED 07/25/01, IT GROUP (2000).



AREA OF CONCERN AS BASED ON REPORTED PRESENCE OF DNAPL AND/OR GROUNDWATER SAMPLING RESULTS.



REVISIONS		
NO.	DESCRIPTION	DATE

**ENSR INTERNATIONAL**  
8100 RED BRANCH ROAD, SUITE E-8  
FARMERSVILLE, OHIO 43024  
TEL: (614) 881-1271  
FAX: (614) 881-1271  
WEB: HTTP://WWW.ENSR.COM

**AREA OF CONCERN**  
WASHINGTON GAS, HYATTSVILLE, MD  
FORMER MANUFACTURED GAS PLANT SITE  
DATE: 07/30/02  
PROJECT NUMBER: 10284-001-0005  
AS SHOWN

FIGURE NUMBER
<b>4</b>
SHEET NUMBER
X

EXHIBIT B